

MEMORANDUM

Agenda Item No. 7(A)

(Second Reading 06-07-05)

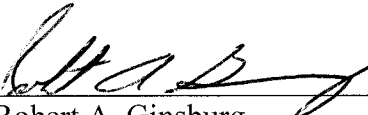
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: March 15, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance Relating to
Annexation; Amending
Sections of the Code of
Miami-Dade County to
Require Annexing
Municipalities to Provide
Information in Petition for
Annexation Relating to
Terminals Designated on the
County's Adopted Land Use
Map

The accompanying ordinance was prepared and placed on the agenda at the request of Dr. Barbara Carey-Shuler, Commissioner Carlos A. Gimenez, Commissioner Barbara J. Jordan, Commissioner Dorrin D. Rolle and Commissioner Natacha Seijas.


Robert A. Ginsburg
County Attorney

RAG/dc

Memorandum



Date: June 7, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess, County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name.

Subject: Amendment to Miami-Dade County Code Sections 20-3 and 20-7: Revising
Annexation Guidelines Relating to Terminals and Surrounding Areas.

The accompanying ordinance prepared and placed on the agenda will not have a fiscal impact on Miami-Dade County. The amendment requires the identification of terminals in the County's Adopted Land Use Plan Map and requires that applications for the annexation of areas containing those terminals provide information related to the impact that such annexation may have on the operation and future development of facilities within the terminals, as well as other information relevant to annexation of the terminal.

fiscal01405



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 7, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(A)

Please note any items checked.

☒
☒
☒

"4-Day Rule" ("3-Day Rule" for committees) applicable if raised

6 weeks required between first reading and public hearing

4 weeks notification to municipal officials required prior to public hearing

Decreases revenues or increases expenditures without balancing budget

Budget required

Statement of fiscal impact required

Bid waiver requiring County Manager's written recommendation

Ordinance creating a new board requires detailed County Manager's report for public hearing

Housekeeping item (no policy decision required)

No committee review

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 7(A)

06-07-05

ORDINANCE NO. _____

ORDINANCE RELATING TO ANNEXATION; AMENDING SECTIONS 20-3 AND 20-7 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING ANNEXING MUNICIPALITIES TO PROVIDE INFORMATION IN PETITION FOR ANNEXATION RELATING TO TERMINALS DESIGNATED ON THE COUNTY'S ADOPTED LAND USE PLAN MAP; REVISING ANNEXATION GUIDELINES RELATING TO TERMINALS AND SURROUNDING AREAS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, areas designated terminals on the County's Adopted Land Use Plan Map ("terminals") contain facilities which are critical to Miami-Dade County's transportation network; and

WHEREAS, many of these areas designated terminals are located in unincorporated Miami-Dade County and therefore are not subject to municipal control or regulation; and

WHEREAS, these areas designated terminals located in unincorporated Miami-Dade County include facilities such as Miami International, Opa Locka and Tamiami Airports, the Port of Miami, as well as the Florida East Coast Railway and CSX rail yards and certain Metrorail facilities; and

WHEREAS, these facilities handle almost all passengers and a major amount of the freight that moves through Miami-Dade County and Southeast Florida; and

WHEREAS, the continuous uninterrupted operation and future development of these facilities located in areas designated terminals and surrounding areas are of critical importance to the economy and provision of jobs for Miami-Dade County and the region; and

WHEREAS, the annexation of areas designated terminals could interfere with or impair the operation and future development of these facilities within such designation; and

WHEREAS, it is the policy of Miami-Dade County to promote appropriate and compatible development in and around areas designated terminals, including present and future Metrorail stations and to encourage the use of public transportation and urban infill proximate to areas designated terminals; and

WHEREAS, the annexation of areas designated terminals should be prohibited or, if permitted, should only be allowed after study and consideration of the impacts of annexation on these areas and the surrounding areas and shall be permitted only pursuant to conditions and restrictions which prevent the impairment of the operation and development of these terminals and surrounding areas,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The foregoing recitals and premises are hereby found to be true and correct and are incorporated herein as if set forth in full herein.

Section 2. Section 20-3 of the Code of Miami-Dade County is hereby amended to read as follows:¹

Sec. 20-3. Initiated by governing body of municipality.

Any proposed boundary change desired by the governing body of a municipality shall be initiated by resolution of such governing body adopted after a public hearing held pursuant to written notice mailed to all owners of property within the area and within six hundred (600) feet thereof in such proposed boundary changes, according to the current tax assessment roll, and pursuant to published notice; provided, however, that no notice shall be required when all owners of property within the area and within six hundred (600) feet thereof shall consent in writing to the proposed boundary change. The cost of such notice shall be paid by the governing body of the municipality. Three (3) duly certified copies of such resolution requesting the proposed boundary changes, together with proof of compliance with the notice requirements aforesaid, shall be filed with the Clerk of the County Commission, and shall be accompanied by the following:

* * *

- (F) In addition to the foregoing, there shall be filed with the Clerk of the County Commission the following information:

* * *

>>(6) Identification of any areas designated as terminals in the County's Adopted Land Use Plan Map ("terminals"). The municipality shall set forth the following information in its annexation petition or shall supplement its annexation petition, if such petition is pending as of the effective date of this ordinance:

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

- a. The reason that any area designated terminals and areas located within one-half (1/2) mile surrounding any area designated terminals ("surrounding areas") should be annexed to the municipality;
- b. The impact that annexation may have on the operation and future development of facilities within any area designated terminals and surrounding areas;
- c. The municipality's assessment of the present and future importance to the economy, job generation, and future development of the County and the region of any area designated terminals and surrounding areas proposed to be included in the area annexed;
- d. Whether the land uses within areas designated terminals and surrounding areas are compatible with adjacent land uses within the annexing municipality; and
- e. A proposed Interlocal Agreement with the County which would include provisions agreeing to the County's retention of master plan and regulatory control over any area designated terminals and surrounding areas, which shall set forth with specificity the limitations and conditions to be imposed on the municipality's jurisdiction of the area proposed for annexation.<<

* * *

Sec. 20-7. Public hearing.

* * *

- (A) At the conclusion of the public hearing the Board of County Commissioners, in evaluating the appropriateness of a petition for boundary change shall consider the following guidelines:

* * *

- >>(8) Whether the proposed annexation excludes areas designated terminals on the County's Adopted Land Use Plan Map; alternatively, if included, the County retains applicable master plan and regulatory authority over any area designated terminals and areas located within one-half (1/2) mile surrounding any area designated terminals ("surrounding areas") so as to protect the operations, land uses authorized within such area, and future development of areas designated terminals and surrounding areas located therein.
- (9) Whether the proposed annexation provides that the County retains master plan and regulatory authority over areas designated terminals and surrounding areas to encourage the use of public transportation and urban infill development.<<

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RA6

Prepared by:

CHC

Craig H. Coller/Cynthia Johnson-Stacks

Sponsored by Dr. Barbara Carey-Shuler,
Commissioner Carlos A. Gimenez,
Commissioner Barbara J. Jordan,
Commissioner Dorrin D. Rolle and
Commissioner Natacha Seijas